

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JIHAD MUHAMMAD-BEY,

No. C-10-00667 TEH (PR)

Petitioner,

ORDER GRANTING MOTION TO REOPEN
THE TIME FOR APPEAL

v.

JOHN W. HAVILAND,

Respondent.

_____ /

On August 6, 2012, this Court issued an Order Denying Petition for Writ of Habeas Corpus and a Judgment in favor of Respondent. See Docket ## 16, 17. These documents were sent to Petitioner at the address he had listed with the Court but, on August 21, 2012, this mail was returned as undeliverable. Doc. #18. On December 12, 2012, Petitioner sent a letter to the Court with his new address. Doc. #19. On December 20, 2012, the Court resent the documents to Petitioner at his new address. Doc. #20. On January 2, 2013, Petitioner filed a notice of appeal. Doc. #21.

On September 26, 2013, the Court received an Order from the Ninth Circuit Court of Appeals construing Petitioner's notice of appeal as a motion to reopen the time for appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6) and remanding the appeal to this Court for the limited purpose of allowing it to rule on the January 2, 2013 motion.

The Court finds that Petitioner's motion to reopen meets all of the requirements of Federal Rule of Appellate Procedure

1 4(a)(6). Good cause appearing, the Court grants Petitioner's motion
2 to reopen the time to file an appeal.

3 The Clerk of the Court shall send a copy of this order to
4 Petitioner and to the Ninth Circuit Court of Appeals.

5
6 IT IS SO ORDERED.

7 DATED 10/15/2013



THELTON E. HENDERSON
United States District Judge

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 G:\PRO-SE\TEH\HC.10\Muhammad-Bey10-0667 Reopen App R 4(a)(6).wpd
26
27
28